



*** THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI**

+W.P.NO. 25988 OF 2024

% 11.09.2026

#Between:

Metta Appana

..... Petitioner

\$And:

The State of Andhra Pradesh and Others.

... Respondents

!Counsel for the Petitioner : Sri V.V. Satish

^Counsel for the Respondents : Ms. Sameera Bokka, learned Assistant
Government appearing for R.1

Sri S. Syam Sunder Rao, learned Special Public
Prosecutor for A.C.B., appearing for R.2

<Gist:

>Head Note:

? Cases referred:

1. 2026 SCC OnLine SC 1401
2. (2009) 17 SCC 92
3. (2010) 14 SCC 527
4. W.A.No.203 of 2020
5. W.P.Nos.934 & 935 of 2022

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P.NO. 25988 OF 2024

Metta Appana

..... Petitioner

And:

The State of Andhra Pradesh and Others.

....Respondents

DATE OF JUDGMENT RESERVED : 02.09.2026

DATE OF JUDGMENT PRONOUNCED : 11.09.2026

DATE OF JUDGMENT UPLOADED : 15.09.2026

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE BALAJI MEDAMALLI

- | | |
|---|--------|
| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of order may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Your Lordships wish to see the fair copy of the Judgment? | Yes/No |

JUSTICE BALAJI MEDAMALLI

Date of reserved for orders : 02.09.2026

Date of pronouncement : 11.09.2026

Date of uploading : 15.09.2026

APHC010506832024



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

FRIDAY, THE 11th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 25988 OF 2024

Between:

1. METTA APPANA, S/o Simhachalam, Age 67 years. Occ. Retired Executive Engineer, R/o. Flat No.C-56, Seethamadhara, Northern Extension Layout, Vivenkananda Nagar, Visakhapatnam.

...Petitioner

AND

1. THE STATE OF ANDHRA PRADESH, Rep., by its Principal Secretary Municipal Administration and Urban Development (Vig.I) Department, Secretariat, Velagapudi, Amaravati, Guntur District.

2. The Director General, Anti Corruption Bureau Vijayawada.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the orders passed by the respondent No.1 in G.O.Rt.No.763 dated 03-10-2024 is illegal, arbitrary and violation of Article 14 of the Constitution of India and to consequently set aside the same and to pass

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay the operation of G.O.Rt.No.763 dated 03.10.2024 in respect of the proceedings in C.C.No.15/2014 on the file of III Additional District Judge cum Special Judge for ACB of Visakhapatnam

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Vacate the Interim order dated 14.11.2024 passed in W.P.No.25988 of 2024 and pass

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant leave to the petitioner herein and Respondent no 2 in W.P.No.25988 of 2024 to submit counter affidavit in the above writ petition and pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim orders dated 14.11.2024 passed by this Hon'ble Court in W.P.No.25988 of 2024 and pass

Counsel for the Petitioner: V V SATISH

Counsel for the Respondents: S.SYAM SUNDER RAO SC- cum - Spl P.P. For ACB

Counsel for the Respondents: GP FOR SERVICES IV

The Court made the following order:

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI**W.P.No.25988 of 2024****ORDER:**

The writ petition is filed seeking the following relief:

“...to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the orders passed in G.O.Rt.No.763 dated 03.10.2024 by the respondent No.1 is illegal, arbitrary and violation of Article 14 of the Constitution of India and to consequently set aside the same...”

2. Heard Sri V.V. Satish, learned counsel for petitioner, Ms. Sameera Bokka, learned Assistant Government Pleader appearing for respondent No.1 and Sri S. Syam Sunder Rao, learned Special Public Prosecutor for A.C.B., appearing on behalf of respondent No.2.

3. The brief facts of the case are that:

(i) Petitioner joined the services of the Municipal Administration and Urban Development Department on 08.06.1977 as an Engineering Supervisor and, after rendering about 38 years of service in various capacities in the erstwhile Visakhapatnam Urban Development Authority, retired as an Executive Engineer in the year 2017.

(ii) While so, the Anti-Corruption Bureau registered FIR No.14 of 2010 against the petitioner on 27.09.2010, alleging possession of disproportionate assets, initially valued at Rs.43,52,712/- and subsequently enhanced to Rs.84,88,697/-. After investigation, a charge

sheet was filed, which was taken cognizance and numbered as C.C.No.15 of 2014 on the file of the III Additional District Judge-cum-Special Judge for ACB, Visakhapatnam.

(iii) Petitioner's case is that several legitimate sources of income, including bank loans, house rents, UTI bonds, agricultural income and sale consideration received from properties, were not properly taken into account while calculating the alleged disproportionate assets. Upon proper calculation of them, the disproportionate assets would fall within the permissible variation of 20% of his total income, in terms of Memo No.623/Spl.C/A1/2008-2, dated 15.10.2008.

(iv) Thereby, petitioner made several representations to the Government seeking reconsideration of the matter and withdrawal of the sanction for prosecution. Upon examination of the material and documentary evidence, the Government found that certain income and other relevant factors had not been properly considered and that the alleged disproportionate assets were within the permissible range. Consequently, the Government withdrew the earlier prosecution sanction issued under G.O.Ms.No.200, dated 20.09.2014, by issuing G.O.Ms.No.63, dated 16.05.2024. However, thereafter, 1st respondent issued G.O.Rt.No.763, dated 03.10.2024, cancelling G.O.Ms.No.63, dated 16.05.2024, purportedly on the basis of a communication

addressed by 2nd respondent. Aggrieved by the said cancellation order, the present writ petition has been filed.

4. 1st Respondent filed counter-affidavit denying the averments made in the petition and contended that a disproportionate assets case was registered against the petitioner, pursuant to which he was arrested on 28.09.2010 and placed under suspension. The Director General, Anti-Corruption Bureau, after investigation, submitted a final report concluding that the allegation of acquisition of assets disproportionate to the petitioner's known sources of income was substantiated and recommended his prosecution under Section 13(2) read with Section 13(1)(e) of the Prevention of Corruption Act, 1988, besides recommending departmental action. It is further stated that, although G.O.Ms.No.63, dated 16.05.2024, was issued withdrawing the earlier sanction orders contained in G.O.Ms.No.200, dated 20.09.2014, the Director General, ACB, subsequently addressed a letter dated 12.08.2024 advising the Government to reconsider the said withdrawal by pointing out that once sanction for prosecution had been accorded, the charge sheet filed and the competent Court had taken cognizance of the offence, the Government could not withdraw or revoke the sanction, as the matter had entered the judicial domain. Upon consideration of the said advice and the legal position governing the matter, the 1st respondent issued G.O.Rt.No.763, dated 03.10.2024, cancelling G.O.Ms.No.63, dated 16.05.2024. Therefore, there is no illegality or irregularity in the impugned order warranting interference of this Court.

5. Respondent No.2 also filed counter-affidavit, contended that on credible information that petitioner, while serving as a public servant, had acquired assets disproportionate to his known sources of income, a case in Cr.No.14/RCA-VSP-ACB/2010 was registered on 27.09.2010 under Section 13(2) read with Section 13(1)(e) of the Prevention of Corruption Act, 1988. Pursuant to search warrants, searches were conducted on 28.09.2010 at seven places and incriminating material was seized. Petitioner was arrested and remanded to judicial custody. After completion of investigation, the ACB submitted its report seeking sanction for prosecution. Accordingly, the competent authority issued G.O.Ms.No.200, dated 20.09.2014, granting sanction. Pursuant thereto, a charge sheet was filed, which was taken on file as C.C.No.15 of 2014 by the competent Special Court, and the trial is in progress. Subsequently, on the representation of petitioner, Government issued G.O.Ms.No.63, dated 16.05.2024, withdrawing the earlier prosecution order. However, upon consideration of the legal position and the report of the DG, ACB, the Government cancelled G.O.Ms.No.63 by issuing G.O.Rt.No.763, dated 03.10.2024. The said order is under challenge in the present writ petition. It is further contended that once a valid sanction has been granted, cognizance has been taken and the trial has commenced, the matter falls within the jurisdiction of the competent criminal Court. Petitioner can raise all his factual and legal contentions, including those relating to the alleged disproportionate assets, before the said Court. It is further contended that the Government cannot frustrate the pending criminal proceedings by withdrawing

the sanction on the basis of the same material that was considered while granting it. Reliance has been placed on the judgments of the Hon'ble Supreme Court and the High Courts, including ***M. Veeraiah Chowdary v. State of Andhra Pradesh, Balwant Singh v. State of Bihar, Rajender Kumar Jain v. State of Haryana, K.V. Joseph v. State of Gujarat and Bairam Muralidhar v. State of Andhra Pradesh***, in support of the above submissions. It is therefore contended that G.O.Rt.No.763, dated 03.10.2024, was issued to restore the prosecution in accordance with law and that no ground is made out for interference under Article 226 of the Constitution of India.

6. Learned counsel for petitioner would submit that the Government Order impugned in the present writ petition has been issued withdrawing G.O.Ms.No.63, MA & UD (Vig.I) Department, dated 16.05.2024, whereby the sanction for prosecution earlier accorded under G.O.Ms.No.200, MA & UD (Vig.I) Department, dated 20.09.2014, was withdrawn. The sanction originally accorded under G.O.Ms.No.200 was issued without duly considering the relevant material on record, particularly the question as to whether the alleged disproportionate assets were in excess of 20% of the total income of the accused officer. The Investigating Officer had not adhered to the Government guidelines while computing the assets, income and expenditure of the accused officer, and that the said aspect was not properly taken into consideration while according sanction for prosecution.

7. Learned counsel would further submit that, pursuant to the sanction accorded under G.O.Ms.No.200, the competent Criminal Court took cognizance of the offences, and the criminal case is presently pending trial in C.C.No.15 of 2014 on the file of the learned Special Judge for ACB Cases, Visakhapatnam. It is submitted that, pursuant to the representations made by petitioner, Government reconsidered the matter on the basis of the report submitted by the Director General, Anti-Corruption Bureau (DG, ACB), dated 19.05.2023. The DG, ACB, upon consideration of the entire material available on record, found that certain relevant materials, including income-tax returns, documentary evidence and decretal orders passed by the competent Courts, had not been taken into consideration while computing the assets, income and expenditure. It was also found that certain assets standing in the names of the kith and kin of the accused officer had been included in the computation without following the Government guidelines issued in that regard. Upon a proper consideration and re-computation of the assets, income and expenditure, the DG, ACB arrived at the conclusion that the value of the alleged disproportionate assets did not exceed 20% of the total income of the accused officer. Consequently, the DG, ACB recommended withdrawal of the prosecution sanction earlier accorded under G.O.Ms.No.200. Pursuant to the said recommendation, the Government issued G.O.Ms.No.63, dated 16.05.2024, withdrawing the sanction for prosecution earlier accorded under G.O.Ms.No.200. However, subsequently, the Director General, ACB, vide proceedings dated 12.08.2024, placed certain material before the

Government. Based on the said proceedings, Government issued the impugned G.O.Rt.No.763, dated 03.10.2024, whereby G.O.Ms.No.63 was withdrawn.

8. Learned counsel would contend that the impugned Government Order does not disclose any fresh material or any legally sustainable reason warranting withdrawal of G.O.Ms.No.63. The material which had already been considered by the Government while issuing G.O.Ms.No.63 was once again relied upon, without there being any new or additional material justifying reconsideration of the matter or revival of the sanction for prosecution earlier accorded under G.O.Ms.No.200. It is, therefore, contended that the impugned Government Order, having been issued without assigning cogent reasons and without disclosing any fresh material warranting withdrawal of G.O.Ms.No.63, suffers from non-application of mind. The impugned order is arbitrary, unsustainable in law and liable to be set aside.

9. Learned counsel for petitioner would further submit that, in the absence of any fresh material warranting reconsideration of the earlier decision refusing sanction, the Government cannot cancel or review such decision. Reliance is placed on the judgment of the Hon'ble Supreme Court in ***State of Rajasthan and others V. Dev Kant Meena***¹, wherein, relying upon its earlier decisions in ***State of Punjab V. Mohd. Iqbal Bhatti***², and ***State of H.P. V. Nishant***

¹ 2026 SCC OnLine SC 1401

² (2009) 17 SCC 92

Sareen³, the Hon'ble Supreme Court held that the power to grant or refuse sanction is an administrative function requiring due application of mind to the material placed before the competent authority. Though the absence of an express power of review does not, per se, preclude reconsideration, a mere change of opinion on the same material cannot, per se, constitute a valid ground for reviewing or reversing an earlier decision refusing sanction. It is apposite to refer to the relevant observations of the Hon'ble Supreme Court in **State of Rajasthan and others V. Dev Kant Meena**, cited supra, particularly paragraphs 10 and 11 thereof, which are extracted hereunder:

*10. State of Punjab v. Mohd. Iqbal Bhatti*⁴ held that though the State, in the matter of grant or refusal of sanction exercises a statutory authority, it cannot be said that there is no power to review once the power is exercised, since there is no such express statutory power conferred. An express power of review may not be necessary when the power is administrative in character and the paramount consideration in a judicial review is the application of mind to the materials coming forth in the case and not necessarily with respect the decision as such. It was held that when a decision is taken to decline sanction by the appropriate authority, reviewing such order on the very same material would not be appropriate or permissible (para 9). A mere change of opinion per se on the same materials cannot be a ground for review or reconsideration of an earlier order, refusing to grant sanction. A caveat was also made that, on the basis of fresh materials collected by the investigating agency, there could be a review of refusal to sanction, when there is a proper application of mind on the fresh materials which were not available at the earlier instance.

*11. Nishant Sareen*² was a case in which the Principal Secretary (Health) on the basis of the material placed before her found no reason to grant a sanction for prosecution on the categorical findings that the complaint was frivolous, the officer was known for his impartiality and it has resulted in unnecessary harassment and hindrance to his working as a Drug Inspector. Later, the Principal Secretary carried out a review on the basis of the opinion of the

³ (2010) 14 SCC 527

Vigilance Department that there is sufficient evidence on record to prosecute the respondent, which is a decision arrived at on extraneous dictates. This Court found the approval of sanction to be vitiated since there were no fresh materials and it was motivated because a different opinion was expressed by the Vigilance Department. The facts clearly indicated non application of mind at the second instance, where the same materials were available for consideration, which had persuaded the officer to deny sanction at the earlier instance.

10. Learned counsel for petitioner, placing reliance on the aforesaid, would submit that the sanction accorded under G.O.Ms.No.200 was withdrawn after consideration of the material on record and the report submitted by the Director General, ACB, which recorded a finding that the alleged disproportionate assets did not exceed 20% of the total income of the accused officer. Upon consideration of the said recommendation, the Government issued G.O.Ms.No.63, dated 16.05.2024, withdrawing the sanction earlier accorded. It is therefore contended that the said decision could not have been reviewed or reversed in the absence of any fresh material warranting such reconsideration. Since G.O.Rt.No.763, dated 03.10.2024, does not disclose any new material justifying review of G.O.Ms.No.63, respondent No.1 erred in issuing the impugned Government Order withdrawing G.O.Ms.No.63.

11. Sri S. Syam Sunder Rao, learned Special Public Prosecutor-cum-Standing Counsel for ACB, would submit that the judgments relied upon by learned counsel for petitioner do not dispute the power of the Government to reconsider its earlier decision either granting or refusing sanction for prosecution under Section 19 of the Prevention of Corruption Act. Relying upon ***State of Punjab v. Mohd. Iqbal Bhatti*** and ***State of H.P. v. Nishant***

Sareen (cited supra), learned counsel would contend that the Government is competent to reconsider such decision, subject to the circumstances warranting such reconsideration. It is submitted that G.O.Ms.No.200, dated 20.09.2014, was issued after consideration of the material collected during investigation, including the Draft Final Report (DFR) and the accompanying material, and sanction was accordingly accorded for prosecution of petitioner. While the purpose of sanction under Section 19 is to protect a public servant from vexatious or unwarranted prosecution, such protection cannot be construed to bar reconsideration of the sanction, particularly when the investigation has culminated in filing of the charge-sheet and the competent Criminal Court has taken cognizance of the offences.

12. Learned standing counsel would further submit that, after completion of investigation and filing of the charge-sheet, any reconsideration of the sanction ought to be undertaken in consultation with the Vigilance Department. In the present case, the earlier decision resulting in withdrawal of the sanction was taken without such consultation. In that context that the Director General, ACB, vide proceedings in Rc.No.171/RCA-WVP/2010-S11, dated 12.08.2024, requested the Government to reconsider G.O.Ms.No.63. In the said proceedings, the Director General, ACB, considered the Government circulars issued from time to time and the relevant judicial precedents, and opined that cases involving misappropriation falling within the vigilance purview cannot be withdrawn merely by withdrawing the sanction for prosecution. Accordingly, a recommendation was made to withdraw

G.O.Ms.No.63 and restore the sanction for prosecution, particularly as the criminal case had already been taken cognizance of by the competent Court. Learned counsel would finally submit that petitioner would have an adequate opportunity to raise all his defences before the learned Criminal Court in the pending proceedings and, therefore, no prejudice would be caused by restoration of the sanction for prosecution.

13. Learned standing counsel, while placing reliance on the judgments referred to by learned counsel for petitioner, as well as the judgment of the Division Bench of this Court in W.A.No.203 of 2020, wherein upon consideration of the various judgments of this Court and the Hon'ble Apex Court, including ***State of Punjab V. Mohd. Iqbal Bhatti*** and ***State of H.P. V. Nishant Sareen*** (cited supra), this Court held as follows:

24. The memo dated 07.12.2013 is a cryptic order and abruptly a conclusion was drawn to conduct departmental enquiry into the charges instead of prosecution. It will be a futile exercise if an order granting sanction or refusing sanction is passed in a routine manner. The order granting sanction must be demonstrative of the fact that there was proper application of mind on the part of the sanctioning authority. That the competent authority did not apply its mind is evident from the fact that the aforesaid order did not state that sanction was refused. The memo dated 07.12.2013 does not indicate what materials have been examined and it merely records that totality of the facts and circumstances were considered. It cannot be construed that by memo dated 07.12.2013 sanction was refused. On the other hand, the order dated 29.05.2014, as noticed earlier, demonstrates that there is application of mind to the relevant facts and materials on record and on being satisfied, it was decided to exercise powers under clause (b) of sub-section 1 of Section 19 of the Act of 1988 to accord sanction for the prosecution of the petitioner for the offences punishable under Section 13(2) read with Section 13(1)(e) of the Act of 1988. In the facts and circumstances of the case, we are of the considered opinion that the order dated 29.05.2014 is not an order passed reviewing the memo dated 07.12.2013.

14. Placing reliance on the aforesaid judgment, learned Standing Counsel would submit that the power to grant or refuse sanction cannot be exercised in a routine or mechanical manner, as such an exercise would render the requirement of sanction itself futile. The order granting sanction must demonstrate due application of mind by the sanctioning authority to the relevant facts and material on record. Once the Government, upon due application of mind to the relevant facts and material, exercises its power under Section 19 of the Prevention of Corruption Act, 1988, and accords sanction for prosecution under Sections 13(2) read with 13(1)(e) thereof, such sanction cannot subsequently be withdrawn without assigning valid reasons. In the said case, the withdrawal of sanction was accordingly set aside.

15. Learned standing counsel also placed reliance on the order of the Division Bench of this Court in W.P.Nos.934 & 935 of 2022, wherein this Court held as follows:

19. The issue of grant of permission is a fact that can be found from the records and not a fact that needs to be or can be inferred. Prima facie, we do not see any discretion vested in the State to alternatively order any other action against the accused.

16. Learned standing counsel would submit that the issue for permission must be a fact ascertainable from the record and not a fact that needs to be, or can be, inferred. Thereafter, no discretion is vested in the State to alternatively order any other action against the accused. In fact, the Division Bench came down heavily upon the authorities in the following terms:

23. We draw succor and sustenance for this view from paragraph No.50 of Subramanian Swamy's case (cited 2nd supra). As settled by the Apex Court, the act of granting sanction being an administrative action, the onus and the failure to perform the same would lie entirely at the door of the officer concerned.

24. This being the lacunae noticed by this Court on the administrative front, we are surprised that the Chief Secretary has not noticed or probably it was not brought to his notice about the systematic failure. At this stage, we do not want to draw any conclusions with regard to the reasons behind this failure, we would rather term it as apathy for this interim stage and we only hope that the request for permissions which in our prima facie opinion appears to have been considered in the manner as is set out herein above is taken up in right earnest and reach their logical end and the designated Courts consider the same in accordance with law as settled by the Hon'ble Apex Court in Vineet Narain's case (cited 1st supra) and Subramanian Swamy's case (cited 2nd supra).

The above Writ Appeal Nos.934 and 935 of 2022, were challenged before the Hon'ble Apex Court. However, the SLPs filed against the said judgments were also dismissed.

17. Learned Standing Counsel for ACB submitted that the sanction for prosecution was granted under G.O.Ms.No.200 after considering the material available on record, including the draft final report submitted by the investigating agency to the Government. Based on the said sanction, the prosecution was launched and the criminal case has been pending since 2014. Subsequently, the Government received a report from the DG, ACB, stating that the value of the disproportionate assets was not more than 20% of the total income. Based on the said report, the Government decided to withdraw the prosecution. The learned Standing Counsel submitted that, once criminal proceedings are initiated, the same should ordinarily be brought to its logical conclusion. It was further submitted that the DG, ACB, subsequently

submitted a detailed report recommending the withdrawal of G.O.Ms.No.63, under which the sanction for prosecution had been withdrawn. After considering the said report, the Government issued the impugned G.O., withdrawing G.O.Ms.No.63. It was therefore submitted that the impugned G.O., was issued after considering the relevant material and the report of the DG, ACB, and that there was no illegality or irregularity in the same. Accordingly, he prayed for dismissal of the writ petition.

18. Ms. Sameera Bokka, learned Assistant Government Pleader, submitted that the action of respondent No.1, based on the advice of respondent No.2, is in conformity with the binding judicial precedents. The State was therefore justified in exercising its power to issue G.O.Rt.No.763, dated 03.10.2024, and that the said action is legally sustainable. The impugned order was issued after consideration of entire material and also the judicial precedents. As the withdrawal of sanction granted earlier was without any new material on record.

19. As stated above, in view of the submissions made by the learned counsel on both sides, there is no dispute with regard to the power of the Government to grant or refuse sanction and to review such an order. In the present case, sanction for prosecution was initially granted under G.O.Ms.No.200. Subsequently, respondent No.2 recommended withdrawal of the sanction on the ground that the disproportionate assets of petitioner were less than 20% of the total income and, therefore, fell within the permissible limit under the relevant Government Orders. Acting on the said recommendation, the Government issued G.O.Ms.No.63 withdrawing the

sanction. Thereafter, respondent No.2 submitted a detailed report seeking reconsideration of the said decision, based on the material available on record and the law laid down by the Hon'ble Supreme Court and this Court. Upon examination of the said report, the Government passed the impugned order withdrawing the withdrawal of sanction under G.O.Ms.No.63, thereby reviving the sanction granted under G.O.Ms.No.200.

20. As rightly contended by the learned Standing Counsel for ACB and the learned Assistant Government Pleader appearing for the State, petitioner is at liberty to raise all his defence and contentions before the competent criminal Court during the course of trial. Government had initially granted sanction for prosecution after considering the material available on record. Subsequently, on the recommendation of respondent No.2, Government issued G.O.Ms.No.63 withdrawing sanction for prosecution. Thereafter, on 12.08.2024, respondent No.2 submitted a detailed report to the Government, placing reliance on the material available on record, relevant judicial pronouncements, requested reconsideration of the decision taken under G.O.Ms.No.63. Upon considering the said report and the material placed before it, Government passed the impugned order withdrawing the withdrawal of sanction granted under G.O.Ms.No.63 thereby revived the sanction for prosecution granted earlier under G.O.Ms.No.200. In such circumstances, petitioner cannot be permitted to challenge the investigation or the material collected during the investigation in the present proceedings, particularly when

such issues can be raised before the competent criminal Court in accordance with law.

21. As rightly contended by the learned Assistant Government Pleader, once the criminal prosecution has been set in motion pursuant to a valid sanction, the authorities cannot withdraw the sanction by invoking their power of review in the absence of any new material warranting such reconsideration. In the present case, it is not the case of the prosecution that certain new material came to light after the grant of sanction or after filing of the charge sheet, which warranted withdrawal of the sanction. The recommendation for withdrawal was made on the basis of the same material that had already been considered while granting the sanction. The question as to whether the disproportionate assets of petitioner exceeded or were less than 20% of his known sources of income is a matter that can be considered by the competent criminal Court during the trial. Petitioner has an opportunity to raise all his contentions in this regard before the said Court. Therefore, the said issue cannot be made a ground for withdrawing the sanction after the criminal prosecution has already been set in motion. Though Section 19 of the Prevention of Corruption Act, 1988, is intended to protect public servants from unnecessary or vexatious prosecution, in the present case, the Government had considered the material available on record and, upon being satisfied that there are sufficient grounds to proceed against the petitioner, had granted sanction for prosecution. In absence of any new material, subsequent withdrawal of such sanction on the basis of very same material cannot be

sustained. Therefore, the withdrawal of sanction under G.O.Ms.No.63, without there being any new material warranting such reconsideration, cannot be countenanced. Respondent No.2, having subsequently brought the relevant material and the applicable judicial pronouncements to the notice of the Government, rightly sought reconsideration of the decision taken under G.O.Ms.No.63. Upon consideration of the said report, the Government issued the impugned order withdrawing the earlier decision to withdraw the sanction and thereby allowing the criminal prosecution to proceed in accordance with law.

22. In view of the foregoing reasons, this Court finds no illegality or infirmity in the impugned order warranting interference. Accordingly, the Writ Petition fails and is ***dismissed***. No order as to costs.

Interim orders, if any, granted earlier shall stand vacated, and all pending miscellaneous petitions, if any, shall stand closed.

JUSTICE BALAJI MEDAMALLI

Date: 11.09.2026
SAK

Whether the order is:

Speaking	☒	Reasoned	☒
Reportable	☒	Non-reportable	

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

W.P.No.25988 of 2024

Date: 11.09.2026

SAK